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FILED  
08 MAY 16 PM 3:05  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: 

DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BARBARA A. LIPPOLD,	)	No. 08cv0719 (BTM(RBB))
	)	
Plaintiff,	)	PLAINTIFF'S REPLY TO THE
	)	ORDER TO SHOW CAUSE
	)	
FATHER & SON MOVING & STORAGE, a	)	Hearing May 23, 2008,
California corporation, and	)	11:00 a.m.
DOES 1 through 10, inclusive,	)	(No personal appearances)
	)	
Defendants.	)	
	)	

Upon close analysis, Defendant's authorities do not overcome the court's initial ("sua sponte") observation that it lacks jurisdiction.

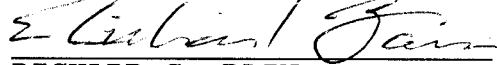
In the Glass case cited, the plaintiff had consigned his property for interstate transportation. Certain state law claims, such as for emotional distress, were found to be preempted by Carmack. As this court observes, Mrs. Lippold did not enter an agreement for interstate transportation of her property. The gravamen of her complaint is that while she was paying defendant \$30,000.00 over the years, defendant did not keep its agreement for safe and secure storage. The breach and damages (rust, mold, deterioration and smell) did not occur on the ride to Arizona.

1 From a fair reading of the complaint, which the court has  
2 already done, there is no federal question presented here.

3 Plaintiff requests the remand order.

4 DATED: May 15, 2008

Respectfully submitted,



RICHARD G. BAIN

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned certifies: That I am over the age of eighteen years and not a party to the within action. I am a citizen of the United States, and my business address is 275 E. Douglas, Suite 113, El Cajon, California.

On May 16, 2008, I served the document(s) named below on the parties named below by placing a true copy thereof in a sealed envelope with the postage thereon fully prepaid, in the United States mail at El Cajon, California, addressed as indicated.

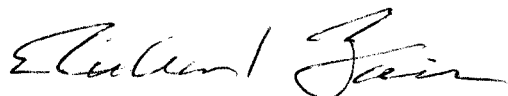
Document(s) Served

Plaintiff's Reply to the Order to Show Cause

Parties Served

Marguerite T. Lieu  
Christopher R. Allison  
Manning & Marder  
Kass, Ellrod, Ramirez LLP  
550 West "C" Street, Suite 1900  
San Diego, CA 92101

I declare under penalty of perjury the foregoing is true and correct. Executed on May 16, 2008, at El Cajon, California.

  
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